

Notice of Allowability

Application No.

10/707,657

Examiner

DWIN M. CRAIG

Applicant(s)

ARAGONES ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-8-2008.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>2/8/2008</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

REASONS FOR ALLOWANCE

1. Claims 1-24 are allowed.

Examiner's Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

While U.S. Patent 6,408,259 to Goebel et al. and U.S. Patent 6,216,066 to Goebel et al. and using 259' as an example, teach an engine database (Figure 1 item 16), a preprocessor (Figure 1 item 17), a diagnostics function which predicts a trend (Figure 1 item 18 and the descriptive text and Figure 11), and further describe comparing data between a plurality of engines and to a baseline (see Figure 2 and Col. 4 lines 32-67 and Col. 3 lines 1-3), **none of these reference taken alone or in combination with the prior art of record disclose, an engine baseline modeling component that builds an engine baseline model, an engine *service* database and a model diagnostics component, Specifically including:**

(claim 1) "an engine baseline modeling component that builds an engine baseline model from preprocessed data..." and "...a model diagnostics component..." and "an engine service database...",

(claim 5) "an engine baseline modeling component that builds an engine baseline model from preprocessed data..." and "...a model diagnostics component..." and "an engine service database...",

(claim 9) "building an engine baseline model from preprocessed data..." and "a service database...",

(claim 13) "an engine baseline model component from preprocessed data..." and "an engine service database...",

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(claim 17) "one or more instructions for building an engine baseline model from preprocessed data..." and one or more instructions for storing engine data in an engine service database...",

(claim 21) "one of more instructions for building a baseline model from the preprocessed data..." and "one or more instructions for storing engine data in an engine service database...", **in combination with the remaining elements and features of the claimed invention.** Further and in regards to Goebel et al. the Examiner notes that this reference is a teaching under 35 U.S.C. 102(e) and further that this reference could not be combined with another teaching in an obviousness type of rejection because of the 35 U.S.C. 103 (c) requirement.

2.1 Dependent claims 2-4, 6-8, 10-12, 14-16, 18-20 and 22-24 are allowed for at least the reason that they depend upon an allowed base claim.

2.2 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DWIN M. CRAIG whose telephone number is (571)272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dwin McTaggart Craig
AU 2123

/Paul L Rodriguez/
Supervisory Patent Examiner,
Art Unit 2123